## Highway Commissioner Macdonald's Biennial Report Upon Connecticut Roadbuilding for 1907-'08

## THE LAW AND HOW IT IS MIJINTERPRETED

Decision of the Aftorney General Upon the Law -- No Reason Why It Should Be Misunderstood.

## WEAR AND TEAR OF AUTOMOBILES

The Question of an Equitable Tax-5 Times as Many Motor Cars as are Owned in the State Pass Through It-Reciprocity Under These Circumstances Impossible-How to Surface the Roads-Seven Classifications of the work-The Recommendations Made by Commissioner Macdonald.

propriation, however, is divided, \$500,000 a year being for the use of award in the towns generally, and \$250,000 a year for trunk lines. The basis of making the apportionment to towns was changed, so that under this law, in towns having a grand list of over \$1,250,000, the state contributes three-fourths of the expense, while in towns having a grand list of \$1,250,000 and less, the state's contribution is seven-eighths, with the restriction that no town shall exceed \$19,000 in any one year. The law also provides an annual appropriation of \$25,000 for making repairs on state aid roads, three-dusties of such expense being an obligation on the part of the state. In addition to the \$25,000 appropriated annually for this purpose, the sum was augmented by the money received from autoprobile licenses. In this law, the choice of the road to be improved was vested in the state; also the receiving of prosposals, inspection of roads, and all surveying, making of plans, preparing specifications, and other details, was assumed by the state. For the first time, the state accepted the obligation of paying contractors the full amount called for under the contract, the towns in which improvement is made to reimburse the state to the extent of their proportion of the expense, as required by the law, after the work has been finally completed and accepted by quired by the law, after the work has been finally completed and accepted by the state. Another marked change from other laws under which the state had been operating is that the appro-priations instead of, as formerly, being controlled by a statute of limita-tion, were made continuous, so that no town could be dealed the money that had been apportioned to it. By a 500,000 for carrying on the work of the department for a period of six years. The statute of limitation hav-ing been removed, all towns thereby planting was continued, as formerly provided for under the old law. The declaration of intention on the part of the towns is retained in the present law, the same as formerly. A provialon was made in the law to protect all towns in their right, title and in-terest in and to any road that might be improved under state aid. One

be improved under state aid. One hundred and sixty-one towns made application for an appropriation under this law. The amount of such applications exceeded the total appropriation for the two years by \$1,627,300.

By a careful comparison of the laws under which the state has operated, it will become apparent that under nearly every law down to the passage of the present law, all towns in the state accepting state and for highway law. accepting state aid for highway in-provement were required to assume obligations that added materially to the cost of original construction. This fact forces its own acknowledgment. Under the present law, no additional expense is entailed on any town accepting state aid. The expense to the towns for administration is minimized and the whole trend of the law under which we now operate is to assume on the part of the state the unifor portion of the expense entailed in the improve-ment of any section of highway in the where it is improved with state

A misapprehension exists today on the part of many of the citizens of the state in regard to the interpretation of this law. It is pretty generally acstate in regard to the interpretation of this law. It is pretty generally accepted that the appropriation of \$4,500,000 is not only to be used immediately, but that from this fund might be taken any expense that the department was subjected to in the administration of the work. This is erroneous in both instances, Under the bonding act the limitation is clearly defined that the appropriation for the general work of the towns, and also for the trunk line systems, is \$750,000 a year, beyond which the department cannot go. So that, if the entire one hundred and sixty-eight towns in the state were to have an appropriation of state were to have an appropriation of \$1.500.000 for the two years, all surveying done, contracts let and the work finished and accepted, under the present law only \$750,000 of this obligation could be discharged during the first year. It is siso a mistaken idea that any money can be used from the fund for administration. A special appropriation is provided for administration. for administration. A special appro-priation is provided for administration expenses. Any departure from the reexpenses. Any departure from surrounding that appropriation would not be recognized by the other departments through which the business of the department is carried

The legislature of 1907 was unanipropriation, by reason of the fact that it had become very apparent since the appropriation of 1901-1902, at which time the excess of applications which time the excess of applications over and above the amount allotted aggregated \$344,640. In 1903-1904 this excess amounted to \$320,125, and a still greater suggestion was made under the appropriation of 1905-1906. In which \$485,470 was requested over and above that which the appropriation would allow.

The large amount of money request-ed during the six years prior to the meeting of the legislature of 1907 suggested that something must be done to keep pace with the demands for the improvement of the highways of the state. The result of this was the passure of the bonding and and the increase in the appropriation under which the department is now at work. As an endorsement of the action of the legislature of 1907, it was found, when eqipped with information, and also

In presenting my bisnnial report for the years 1907 and 1908, it might be well owing to tille deep interest many festad by the people of the entire state in this guestion of highway improvement, to present an epitome, or digast, so that the progress and development, of the movement may be shown, says the ownnissioner, and affer carefully reviewing and comparing the previous laws of 1987, 1898, 1901, 1903 and 1908, be continues:

"We now reach the law of 1907, which is the best and most helpful law under which its tate has operated. It will be noted, readily, that it is a complete reversal of the law of 1895. The total appropriation on the part of the state is \$75,000 a year, or a total of \$1,500,000 for the two years. This appropriation, however, is divided, \$500,000 a year, or a total of \$1,500,000 for the two secretally, and \$250,000 a year, or a total of \$1,500,000 for the two years. This appropriation, however, is divided, \$500,000 a year, or a total of \$1,500,000 for the two secretally, and \$250,000 a year, or a total of \$1,500,000 for the two secretally, and \$250,000 a year, or a total of \$1,500,000 for the two years. This appropriation, however, is divided, \$500,000 a year, or a total of \$1,500,000 for the two secretally, and \$250,000 a year, or a total of \$1,500,000 for the two secretally, and \$250,000 a year, or a total of \$1,500,000 a year, or a total of

Much Work Entailed.-In taking un this new law, with its numerous changes and departures from former this new law, with its immerous changes and departures from former laws, and putting it into operation, a large obligation was placed upon the department to intelligently and economically take care of the large amount of detail work that had never before been entered upon by the department. One of the new features requiring a large amount of thought and ear-ful consideration was the objection placed on the state of assuming the caretaking of the entire mileage of roads constructed since the passage of the first good roads law in 1885. The volume of business han be understood best by the simple narration of the fact that there had been built, during the thirteen years 1.575 sections of road, aggregating over six hundred miles, scittered through one hundred and sixty-seven towns.

The legislature of 1907 did not adjourn until early in August. It then became imperative that an immediate knowledge of every section of highwas upon which a state appropriation had been expended should be had by the department so that a treatment of

been expended should be had by the department so that a treatment of those sections might be intelligently provided. The amount of money appropriated for repairs was totally inadequate to send out inspectors to investigate the condition of every section of read improved under sixte out. ion of road improved under state and f any of that money was to be used for the purpose intended—that of re-miring the roads. It was also necespairing the roads. It was also necessary that the condition of each action of road should be known as of se up to the time the repair was to be made as possible, together with the fact that a system, after full investigation had been made, should be adopted and promutgated as the fixed policy and plan under which the state should carry on the work in the future.

After careful consideration and investigation into this important matter, a plan was adopted by the decartment.

vestigation into this important matter, a plan was adopted by the denarment for giving immediate and possonal attention and inspection over these sections, at the least possible expense. This was, as finally adopted, to send out a chart, containing information, to the several boards of sole-timen relative to the requirements of the department, upon which charts were to be placed the answers to the several questions propounded. The result of this was thoroughly satisfactory and was accomplished at a very reasonable cost to the towns as well as to the state in the admiristration of the work. A plan was then adopted that would had been appropriated for that pur-

As an illustration of what this plan developed in the apportionment of the money, it is only necessary to relate the fact that in disbursing this repair the fact that in disbursing this repair fund to the several towns in which mate aid roads had been built, seven distinct and separate classifications had to be observed in its distribution to the several towns entitled to the money. Under the plan adopted, the charts related the fact that in twenty-two towns the choice had been for macadam construction exclusively; in eighteen towns, macadam and grayel eighteen towns, macadam and gravel had been used; in thirty towns, the work was divided between macadam and grading; in thirty-six towns the appropriations had been used for macadam, gravel and grading; in seventeen towns, the appropriations had been used for grading; in three towns the entire appropriations had been used for gravel construction exclusively, and in forty towns the appropriations had been divided between gravel and graded roads, for which the state had contributed her proportion of the It can be seen at a glance that in

of money placed in my hands, the greatest care had to be exercised and the nicest discrimination observed. This money was divided and apportioned so that one hundred and sixty-three miles were turnpiked and culverts repaired, seventy-two miles of gravel road ware provided with a progravel road were provided with a grav-pof treatment, and 16,094 tons of trap rock were furnished for the macadam construction.

Towns were fully equipped with in-formation regarding the amount of money that was allotted to them, and full directions were given to towns, under the state specification, how the money should be used, or the material

A system was adopted for furnishing stone for macadam roads and gravel for gravel roads, on the basis of a cer-tain price per mile for work done. Al-so a certain sum per mile for work done on diet or graded tonds the

Roads Badly Neglected. Immediateatten and also from the information iven on the charts, that quite a number of towns ind neglected their roads adiy, so that the expense of putting the interest of the condition would regain a very large amount of money. This fact led the department to all the stiention of the atterney general to the law. He save it as his pinion that the towns inving entered to a contract to keep their reads in spair from the passage of the first twidown to the final enactment under hich we are operating today, that w down to the final enactment under tich we are operating today, that y town not having done so was not titled to receive a greater portion of a money than towns that had taken re of their systems of highways, for sich they ind expended town funds making the repairs. His decision is that the department had no right pay a premium, in the apportion-ent of this money, to rowns that had dicated their roads, at the expense other towns that had taken care of cir highways. The rightconsness of

"Hartford, March 2, 1908. "Hon, James H. Macdonald.

"Highway Commissioner,
"Thear Sir: You full my attention to
section 2 of the public acts of 1907, beling An Act Comercing the Improvement of Public Roads," which section

Whenever a road shall !- construct, ed in any town under the neutral mo of this set, or has herotofer; been con-

And you state that some of the Mghwars which have beretafore been constructed under previous statutes relating to good roads under which state
add has been granted have not been
kept by "saular repair, but have been
so neglected that to place them in
proper condition will practically require their rerobstruction or rebuilding and you mak if such reconstruction
and rebuilding can be considered as
properly included in the pravisions of
said section 2 relating to repairs, and
if the highway communisatener can
properly my the roat of such reconstruction out of the fund provided in
said section for keeping in repair the
good roads for the construction of
which state aid has been greated.

'In regity I would say that in my
opinion section 2 sices not authorize a
construction or rebuilding of such
highways, but is limited to the future
repairs of such highways.

"In 1895 the general assembly passed
an act tchapter 315, public near 3550,
authorizing lowns to vote their intertion to cause any public road, or section thereof, within such particular
lown to be improved, under the pravisions of this act, created a highway
examinished to supervise the construction thereof, and provided that onelitred of the cost of such improved road
should be paid for out of the state
treasury, and also provided that—

"After a road shall have been constructed under this act, the town in
which such road has been constructed
shall provide all money necessary to
keep such road in proper state of repair."

"The west in the 'good roads' statutes'

duty of the town to keep the road in prover repair after being constructed with state abt. "In this legislature of 1907 the state

with state ahl.

'In this legislature of 1907 the state assumes the future repair of those improved highways, and only requires the town to pay one-tourth of the cost of speak repairs. It was of course, assumed that up to the time when the 1997 act went into effect the several towns had obeyed the statutory mandate to keep such highways in 'proper state of repair,' and the manifest intent was that thereafter the state was to continue the repairs. The amount provided for the purpose in section 3, above quoted, was named upon the basis of what would be required for repairs not for reconstruction or rebelding. That section makes no mention of anything but repairs, and manifestly was intended to authorize nothing but repairs. The state was not proposing to rebuild roads which it had once aided in constructing and which through neglect by towns of their statutory duty had fallen into a condition which required their reconstruction. Any road which you shall find to be in such condition is, in my opinion, not included in those which you shall find to be in such condition is in my opinion, not included in those which you shall find to be provisions of said section 3. Before the town is entitled to have such a road repaired at the expense of the state it visions of said section 3. Before the town is entitled to have such a road repaired at the expense of the state it must first do whatever is necessary to place it in the condition it would have been in if the town had at all times where the term of the 1907 act kept such roads in proper repair. Very truly yours, "H. H. HOLCOMB, "Attorney General."

The systematizing of this new feature ingrafted into the law in a comprehensive and working plan entailed no small amount of work, so that the department may be pardoned for relating the incidents connected with the organization of this system. The only applies for so doing is that this lating the incidents connected with the organization of this system. The only apology for so doing is that this question of care and maintenance is so important, not so much because of what has been done, as that which is to be assumed as the inlicage of the roads increases and the expense entailed thereby assumes as it must of

roads increases and the expense entailed thereby assumes, as it must of necessity larger proportions.

Pending the investigation into the question of the condition of the various sections of highways that had been improved under state aid, the department, immediately upon the law becoming operative, equipped every was with full information relative to its provisions both by correspondence and also through the medium of a copy of the law. In addition to the information imparted in this way—and so the selectmen of every town might have a complete understanding of the law and its interpretation—the selectmen were invited to attend a public meeting at Hartford, at which the commissioner explained every section of the law in its relation to the towns and their interest in the matter, as well as the changes that had been made and their interest in the matter, as well as the changes that had been made from former laws, so that no reasonable excuse could be offered for any

able excuse could be offered for any town being unfamiliar with the law in its operation.

The late adjournment of the legislature, together with the extension of the usual time limit of six weeks—which has always been accorded by the state to emble the towns to call meetings—carried the scanon of 1907 practically down to its close, and very "tile could be done excent to make surveys in the late fall months. The entire work of systematizing the repair plan, furnishing material, and getting into operation under the new law

Amount for Construction. lition to the question of repairs nd the expenditure of this largely in-cased sum of money, there were in mee aperopriations from other years ider which contractors were at work which did not expire until October I. 1907—the beginning of the present appropriation—with the usual six mouths' extension of time for the fulfilment of contracts. So that the department was not only obligated to partment was not only obligated to enter into an arragement to take core of the increased appropriation, but also the completion of contracts even which contractors were at work at the time we entered upon the new appropriation. This embraced taking up the appropriations from 1900 down to 1905, and while there was a small balance, only of the earlier appropriations for the leaf of the part of the earlier appropriations. balance, only of the earlier appropriations, the total of unexpended balances, represented a vary considerable sum of money. When completed the work amount of to \$237,795.89, which, added to the appropriation of \$1,396,000, and also the sum of \$224.932—representing what the towns would contribute as their share of the 1207-1308 appropriations—minde the entire amount of money to be expended up to October 1, 1305, \$2,962,727.83.

In this connection, it might be well to offer an explanation as to the rea-son for tol completing the appropria-tions of other years. There are several measures that could be advanced, the laws, and up to the passage of the present law, all towns were chilged to may the contractor while the work was in progress and also at its comple-tion, after which the state reimbursed the towns to the extent of her propor-tion of the expense. As the appropri-ations became larger, the financial ob-ligations on the towns became greater. The towns, appreciating the fact that in conformity with the law they could not receive the full amount of their allotment, even if the work was com-pleted in the first year the appropria-tion became available, until December of the second year, almost invariably adopted the practice of postponing ac-tive operations until the second year of the appropriation, so that in event of any town having to borrow money of any town having to borrow money to discharge its obligation to the contractor, the town would not have to carry the interest account for a longsary. At the request of the towns they were allowed to wait until the second year before entering upon the work that immediately upon completio of the contract they would beceive the states properties allotted to them, thereby assisting them is discharging their obligations, thus saving interest on such morey as they were required to horrow. In many other towns, where the selectmen accepted the contract to do the work, there was a dearth of help the cessary to perform the labor necessary. sary to uccomplish the contract towns were obliged to secure when they could obtain it. He

structed under this act, the town in a when they could obtain it. Hence, which such road has been constructed shall provide all money necessary to keep such road in proper state of repair.

The east in the road roads, statutes have been mure by nearly every general assembly since, analong other things increasing the proportion of the should per from the original one-third to two-thirds in towns having a grand list exceeding one million dollars, and in other towns three-fourths of the cost, and at all times has made it the

to the towns of using the current and next ensuing year's appropriations was simply for the purpose of securing advantageous prices and extending the improvement a greater distance than if only one year's appropriation were used.

In the majority of towns this explanation was pleasantly accepted, and, for the time being, the stress, to a considerable extent, was removed. Under the system employed by the state, in which no choice is left to the department relative to using the money appropriates to the several towns in improving a continuous section of high-

The total number of finished roads that have been accepted during the past two years is 22.75 miles which represents an expenditure of \$601,355.47. Contracts let, but not completed, during the past two years represent a mileage of 118.97, and will call for an expenditure of \$72.882.81. Of this amount, \$450.648.88 has been paid on these contracts. Considering the amount of money expended, and also the fact that many of these contracts are very nearly finished—the state withholding in many instances only 15 per cent, or less of the original cost—it is safe to say that of this last item fifty miles can be considered as completed. This would represent a total of 142.75 miles as the result of the two years work of the department.

The result of the two years work, with all of the obstacles by which the department was surrounded has been very gralifying, and it is safe to assume that the entire appropriation for the two years will be contracted for—and if a sufficient number of contractors can be secured to do the work—and completed by the first of next October. A considerable retard was experienced last year on many of the improvements that were awarded owing to the fact that there were not enough contractors to do the work. We now have on our list of contractors, out of a total of fifty, only twenty-five that do macadam work. Of the total number of contractors who have tendered proposals for macadam construction it is safe to say that not more than ten are equipped for large work. The major portion of our state contractors have plants totally inadequate to do large contracts, or very many contracts at one and the same time. They have neither the capital, tools nor equipment. This is not strange, owing to the fact that never in the history of the movement since 1885 down to the present day has there been any appropriation in any town in the state sufficient to do one mile of macadam construction in the state sufficient to do one mile of macadam conpair plan, furnishing material and getting into operation under the new law was placed on the department in 1998—a year that will be long remembered by the department in beginning operations under the present law.

First Appropriation. A misunderstanding has existed in regard to the period of time that has clapsed since the new law went into effect. The law in Ra present operation, has been in force only one year and its close was the first day of October, 1998. The law will not be within its legal limit.

Summary.

Number of towns making applica.

Dust is a menace to health, destroys property, miles crops and indices real property.

The highways of our state have grown very rapidly and no better filestration of this fact can be given than a reference to a state map that was made in 1812. On that map it found only about three thousand miles of that has arrived, the department is

New Haven County ..... 57,976.00

Windham County ........ Litchfield County ......

work today. The large appropriation extended to the towns under the new law, and the assumption by the state of the obligations that formerly rested on the towns which included the major portion of the expense of construction—assisted materially in securing an added enthusiasm on the part of the towns to enter immediately upon the work. So that the problem presented to the department was a very difficult one.

Towns seemingly forgot that the state had assumed the obligation formerly restinc on them, and which carried with them a larger amount of detail work than ever before experienced in the history of the movement. It was found because y to send a circular letter to all towns explaining the situation and stating the fact that the situation and stating the fact that the statute of limitations had been removed from the appropriations under this law. Also that the appropriation was made to cover only \$750,900 at year, and that the privilege accorded to the towns of using the current and next ensuing year's appropriations was simply for the purpose of securing advantageous prices and extending the improvement a greater distance than if only one year's appropriation was a change in old methods of construction and the improvement a greater distance than if only one year's appropriations was simply for the purpose of securing advantageous prices and extending the state in the purpose of securing advantageous prices and extending the state in the purpose of securing advantageous prices and extending the fact that the majority of towns this expenditure upon the highways different flows and the fact that the state in the appropriation was simply for the purpose of securing advantageous prices and extending the fact that the majority of towns this expenditure are thousand miles of the three areas for the entire and interested purpose of the chiral and interested purpose of t some new and better plan for care

In the care and maintenance of our highway system, in accordance with the policy pursued by the state at the inception of the movement of fully try-ing out a plan before adopting it as a which no choice is left to the department relative to using the money appropriated to the several towns in improving a continuous section of highway—the law, on the contrary, being mandatory requiring that the department shall expend the appropriation, be it large or small, in each town that had applied for an allotment—there was no recourse for the department but to do as directed by the law. So the department found itself confronted with applications from one hundred and sixty-one out of a total of one state and not one sixty one out of a total of one state and not one sixty one out of a total of one one hundred and sixty-one out of a total of one one hundred and sixty-one out of a total of one one hundred on the same of total of one one hundred on the same of total of one of sixty of total of one of mency available

Considerable complaint was heard from some of the towns in the state relative to the amount of money altotted for repair purposes, that it was leasted for repair purposes, that it has when the facts were related to them there was a pleasant acquiescence in cooperating with this department, thus relieving the tension of the simultant in the care and maintenance of the magadam roads of the state, many

day that were not necessary restarday. A different condition prevails than that which was found a few years upon . We are now into the question of retisement of road building. The greatest care and forethought and investigation, properly applied, must be used in the construction of our reads at the very outset, from sub-grade to the insured, or wearing, surface of the read Careful attention must be paid to all of the associations connected with the road, the chief of which is the question of drainage. This having near taken care of, and the road being properly constructed to withstand the travel in each particular district, we then commence to take up the question of care and maintenance.

tion under the 1967-1908 appropriation.

132 towns each applied for. \$20,000 but owing to the expense and difficulty tion under the 1967-1906 appropriation. 122 towns each applied for. \$20,000 of 5 towns each applied for. \$0,000 of 1 town applied for \$0,000 of 1 town applied for. \$0,000 of 1 town appli

164,5%7,00

S. SET-01

## SUMMARY. Entire

| New London County PairAeld County Windham County Litchfield County Middlesex County Tolland County | 62,976,00<br>46,455,00<br>121,080,00<br>89,592,00 | 94,906,00<br>55,104,00<br>40,877,00<br>100,843,00<br>78,993,00<br>72,380,00 | J. | 13,558,00<br>2,872,00<br>5,811,00<br>15,100,00<br>11,100,00<br>10,840,00 |
|--|---|---|----|--|
|  | \$650,144.00                                      | \$568,876.60  |    | 51,268.60  |
|  | Recapitulat                                       | tion.   |    |  |
| By Counties, of the general  |   | on of 1907 and 100%:  |    |  |
| A  | Entire,<br>ppropriation<br>Allowed.               | State   |    | Town<br>Allniment.   |
| Hartford County  | \$228,255.00                                      | \$180,072.00<br>\$36,231.00   |    | \$46,219.00<br>24,001.00   |
| New London County<br>Fairfield County  | 147,824,00<br>165,312:00                          | 124,426,66<br>131,856,00  |    | * 37,486.00  |
|  |   |   |    |  |

3999.868.00 \$224,902.00 Trunk Line Appropriation of 1907 and 1908.

Distribution, by counties, of the contracts finished and in force of the

| \$283,611.53   | \$227,806.11   | \$56,806.46   |
|--|--|---|
| Amounts of Finished and Unfinished Contracts.  Hartford County \$116,232.91  New Haven County \$5,622.21  New London County \$21,046.56  Fairfield County \$7,463.59  Windham County \$12,488.92  Litchfield County \$18,52.60  Middlesex County \$4,748,54  Tolland County \$2,259.20 | State a<br>Proportion.<br>\$110,240,29<br>50,184,11<br>13,129,00<br>5008,87<br>7,398,94<br>8,595,67<br>4,274,27<br>12,564,29 | Town's<br>Propertion<br>256,882.62<br>15.265.16<br>5,217.51<br>1,554.75<br>2,579.88<br>1,611.52<br>392,57<br>2,794.81 |